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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL MESA,

Defendant.

2:13-CR-00418-APG-VCF

Stipulation to Continue the Government's  
Response to Defendant's Motion for In  
Camera Hearing to Compel Disclosure  
and Interview of an Informant Percipient  
Witness (Docket #14)

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the United States of America, and Monique Kirtley, Assistant Federal Public Defender, counsel for defendant GABRIEL MESA, that response to defendant's *Motion for In Camera Hearing to Compel Disclosure and Interview of an Informant Percipient Witness* (Docket #14) in the above-captioned matter, which is currently set for March 9, 2014, for twenty-one (21) days.

This Stipulation is entered into for the following reasons:

1. Counsel for both parties are engaged in plea negotiations. Additional time is needed to determine if the parties can reach a resolution prior to the Government filing its response to defendant's motion. If the parties can reach a resolution, it will alleviate the need for the Government to file its response, and for the Court to address the pending motion.

1           2.       The defendant is incarcerated and does not object to the continuance.

2           3.       Additionally, denial of this request for continuance could result in a miscarriage of  
3 justice.

4           4.       The additional time requested herein is not sought for purposes of delay, but to allow  
5 for a possible resolution to the case.

6           DATED this 7<sup>th</sup> day of March, 2014.

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8                               DANIEL G. BOGDEN  
                                  United States Attorney

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10                               \_\_\_\_\_  
                                  //s//  
                                  CRISTINA D. SILVA  
                                  Assistant United States Attorney

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12                               \_\_\_\_\_  
                                  //s//  
                                  MONIQUE KIRTLEY, ESQ.  
                                  Assistant Federal Public Defender  
                                  Counsel for Defendant - MESA

**UNITED STATES DISTRICT COURT  
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FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. That counsel for both parties are currently engaged in plea negotiations. Further that additional time is needed to determine if the parties can reach a resolution prior to the Government filing its response to defendant's motion. If the parties can reach a resolution, it will alleviate the need for the Government to file its response, and for the Court to address the pending motion.

2. That the defendant is incarcerated and does not object to the continuance.

3. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

4. That the additional time requested herein is not sought for purposes of delay, but to allow for a possible resolution to the case.

5. That this is the first request for a continuance of response deadline to the motion.

CONCLUSIONS OF LAW

Based on the fact that the parties have agreed to the continuance; based on the fact that the

1 defendant does not object to the continuance; and based on the fact that denial of this request for  
2 continuance could result in a miscarriage of justice, the Court hereby concludes that:

3 The ends of justice are served by granting said continuance, since the failure to grant said  
4 continuance would be likely to result in a miscarriage of justice and would the parties to potential  
5 resolve the case, taking into account the exercise of due diligence.

6 ORDER

7 IT IS THEREFORE ORDERED that the deadline for the Government to respond to  
8 defendant's *Motion to Suppress Evidence Pursuant to Franks v. Delaware* (Dkt. #18) is hereby reset  
9 to \_\_\_\_\_. Defendant shall file a reply by \_\_\_\_\_.

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12 THE HONORABLE GEORGE W. FOLEY  
13 UNITED STATES MAGISTRATE JUDGE  
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